

30.05.2022
Supp. No.2
BP/KS

W.P.A. 9715 of 2022

Pranab Kumar Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Saptanshu Basu, Sr. Adv.
Mr. Ramesh Dhara
Mr. Gourav Banerjee
..... For the Petitioners
Mr. Jahar Dutta
Mr. Bipin Ghosh
.....For the State

Affidavit of service filed in Court today be kept with the record.

The petitioners have filed this instant writ petition praying for an order directing the respondent authorities particularly the respondent no.4 being the Block Development Officer, Kalna Development Block to withdraw or cancel the order dated 25th May, 2022 pursuant to the notice dated 23rd May, 2022. The contention of the petitioners are that the villagers have requested for grant of permission to perform Gajan Festival in the land of the petitioners.

Counsel for the petitioners further submits that that in the similar issue on earlier occasion the petitioners have preferred an appeal before the Additional District Judge, Burdwan District wherein the Additional District Judge has

passed an order holding that it cannot be denied that the petitioners could suffer from irreparable loss and injury if the injunction in the matter as prayed for is not granted. The order passed by the Additional District Judge was carried in appeal but the appeal was dismissed for default.

Learned counsel for the petitioners further submits that till today there is an order of Court restraining the villagers for conducting festival of the Deity in the Gajan festival in the land of the petitioner.

It is find from the record that the Block Development Officer on receipt of the application from the villagers have issued notice for conducting the Holy festival of 'Shiv Gajan' at Kalna and Boyda village but till date no decision has been taken.

Learned counsel for the respondents submits that though the villagers have made an application requesting for permission for holding 'Shiv Gajan' at Kalna and Boyda village but till date no order has been passed.

In view of the above, this Court is of the view that the writ petition can be disposed of by directing the concerned Block Development Officer to dispose of the proceeding initiated by the Block Development Officer in

which the notice dated 23rd May, 2022 was issued within a period of one week from date.

The Block Development Officer while disposing of the representation, the order passed by the Additional District Judge in Title Appeal No.120 of 1991 dated 27th August, 1998 and 02.09.1998 be kept in mind that there is an order of injunction passed by the Additional District Judge by restraining from holding the Gajan festival in the land of the petitioners.

In view of the above, W.P.A. 9715 of 2022 is disposed of.

The counsel for the petitioners raised the point of jurisdiction of the Block Development Officer is kept open.

(Krishna Rao, J.)